

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

GERMAN ROSAS MARTINEZ

PLAINTIFF

VS.

CIVIL ACTION NO. 5:08cv185-DCB-MTP

CONSTANCE REESE, ET AL.

DEFENDANTS

JUDGMENT

This matter having come on to be heard on this date upon the Report and Recommendation of the United States Magistrate Judge entered in this cause, and the Court, after a full review of the record, having adopted said Report and Recommendation as the finding of this Court by Order dated this day, finds that this matter should be dismissed without prejudice for failure to prosecute and comply with the Court's orders pursuant to Federal Rule of Civil Procedure 41(b) and all motions, including Defendants' Motion to Dismiss [15] should be denied as moot.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above captioned cause be, and the same is hereby, dismissed without prejudice and all motions, including Defendants' Motion to Dismiss [15] are denied as moot.

SO ORDERED this the 22nd day of December, 2008.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE